

**United States Bankruptcy Court
Central District of California**

**Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 18, 2013

Hearing Room 1568

10:00 am

2:12-43888 Elizabeth R. Hernandez Chapter 7

#4.00 Hearing: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 27612 Tarrasa Drive, Rancho Palos Verdes, California 90275 . Exhibit) (Silverman, Timothy)

fr. 1-2-13; 2-11-13; 2-12-13

Docket #: 11

Matter Notes:

3/18/2013:

Under submission for the reasons stated on the record

2/12/2013

Tentative vacated.

Continued on the record to 3/20/13 at 10:00 a.m. However, this date was incorrect. The correct continued date is 3/18/13 at 10:00.

Court to provide notice to the parties of the correct date.

POST TO CIAO.

Tentative Ruling:

For 3/18/13:

Tentative Ruling:

This Motion was continued to allow Movant to provide evidence that it is the real party in interest. Movant filed an Allonge to Note, endorsing the Note to the Movant proving that it is the

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real party in interest. Further, Movant gave notice to all interested parties and filed a proof of service of the same. Consequently, the Court finds that there is sufficient evidence to GRANT relief pursuant to 11 U.S.C. § 362(d)(4). The filing of the petition was part of a scheme to delay, hinder, and defraud creditors, which involved multiple bankruptcy filings affecting the Property. Declaration of Rita Garcia in Support of Motion at paragraph 16.

For the same reasons, the Motion is GRANTED pursuant to section 362(d)(1) based on Debtor's bad faith filing. The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, the order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the Court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this order for indexing and recording. Furthermore, The Court GRANTS item number 5 on the extraordinary relief attachment. All other relief is denied.

No appearance is required if submitting on the Court's tentative ruling. If submitting on the tentative, please contact Amanda Farfel or Helene Kaya, the Judge's law clerks, at (213) 894-1522. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Applicant will be so notified. If you wish to make a telephonic appearance, contact Court Call at (888) 882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Elizabeth R. Hernandez

Represented By

Robert A Bonito

Movant(s):

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Movant(s):

PNMAC Mortgage Opportunity Fund

Represented By

Timothy J Silverman

Trustee(s):

Brad D Krasnoff (TR)